HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 22346 OF 1997

Between:

M. Ramakrishna Murthy

… Petitioner

and

The A.P. Cooperative Tribunal, Vijayawada and others

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.22346 OF 1997

ORAL ORDER:

This writ petition is filed aggrieved by the order of the A.P. Cooperative Tribunal, Vijayawada in O.A.No.37 of 1994 dated 30.7.1997, wherein the appeal preferred by the petitioner herein was partly allowed and the amount payable by him was reduced to Rs.4,840/- with simple interest at 12% per annum.

Sri M. Subba Reddy, learned counsel for the petitioner, would submit that during the pendency of this writ petition, the petitioner met with a major accident; he was paralyzed and as such took voluntary retirement from the services of the 2nd respondent-Bank and that he is now aged about 64 years. Learned counsel would submit that, on account of the pendency of this writ petition, the terminal benefits of the petitioner have not been paid.

This court, in Certiorari jurisdiction, would not sit in appeal over the orders of the appellate Tribunal constituted under the A.P. Cooperative Societies Act. It is only when there is a glaring error, apparent on the face of the record, or where the findings of the Tribunal

are perverse and are not based on the evidence on record, would this court be justified in interfering with such a finding. No such error, necessitating interference by this court against the order of the Tribunal below in O.A.No.37 of 1994 dated 30.7.1997, has been pointed out by the learned counsel for the petitioner.

There is considerable force, however, in the submission of Sri M. Subba Reddy, learned counsel for the petitioner, that merely on account of the pendency of this writ petition, the terminal benefits of the petitioner could not have been withheld even in part, except to the extent the amount is recoverable pursuant to the order of the Tribunal. It is open to the 2nd respondent to adjust the same from his terminal benefits and re-pay the balance amount due to the petitioner within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

RAMESH RANGANATHAN, J

DATE: 28.2.2007
cvm